

David J. Bradley, Clerk

On June 25, 2020, Plaintiffs filed Objections to the Magistrate’s Report and Recommendation (Dkt. 149). On July 9, 2020, Arch and National Union filed their response to Plaintiffs’ objections. *See* Dkts. 150–151. In accordance with 28 U.S.C. § 636(b)(1), this Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept,

reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, The Court **ACCEPTS** Judge Edison’s Amended Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that

(1) Judge Edison’s Memorandum and Recommendation (Dkt. 142) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;

(2) Defendant National Union Fire Insurance Company of Pittsburgh, Pa.’s Motion for Summary Judgment (Dkt. 90) is **GRANTED**;


(3) Defendant Arch Insurance Company’s Motion for Summary Judgment (Dkt. 91) is **GRANTED**;

(4) Plaintiffs’ Motion for Partial Summary Judgment (Dkt. 92) is **GRANTED in part and DENIED in part**; and

(5) To be clear, summary judgment is granted in favor of Arch and National Union on all of Plaintiffs’ affirmative claims, and summary judgment is granted in Plaintiffs’ favor on Arch’s claim for attorney’s fees under Section 541.153 of the Texas Insurance Code.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 13th day of July, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE